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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,139	04/04/2000	Satoru Yukie	50 P 3859.02	6059

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John L Rogitz
Rogitz & Associates
750 B Street Suite 3120
San Diego, CA 92101

EXAMINER

BUI, THACH H

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,139

Applicant(s)

YUKIE ET AL.

Examiner

Thach H Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,9,11,18-21,23,25,27 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 10, 12-17, 22, 24, 26, 29-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed April 15, 2003 has been received and entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8, 10, 12, 24, 26, 29 and 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Horne et al. (U.S. Patent No. 6,128,601).

As per claim 1, Van Horne et al. disclose a computer system comprising a computer network path (see Figures 1-4B), and at least a portion of the path is wireless (col. 6, line 39) (col. 8, lines 32-37). The system further includes at least one user terminal and a mean for connecting the user terminal with a server to request the contents (col. 4, line 10-col. 5, line 20). Van Horne et al. also teach a billing module accessible to the connect server for generating accounting data based on the usage (col. 4, line 10-col. 5, line 20).

As per claims 2-5, Van Horne et al. disclose a router, not a telephone switch, to direct IP packets (digital communication) (see Figures 5 and 9A).

As per claim 8, Van Horne et al. disclose a mean for a user to register with the server and the user's profile and/or setting is being stored/logged in the system database (631) (see Figure 8) (776) (see Figure 18). Therefore, the system as taught by Van Horne et al., provides subscription of which is established at least in part by a user profile.

As per claim 10, Van Horne et al. do not explicitly mention the billing module generating accounting data based at least in part on at least one time period and at least in part on a type of the user terminal. However, Van Horne et al. teach a mean for generating accounting data based on the user's usage, and a mean to request and display billing information. Therefore, it is inherent that the system, as taught by Van Horne et al., has a billing module generating accounting data based at least in part on at least one time period and at least in part on a type of the user terminal.

As per claims 12, the claim contains features addressed in the above claims, and therefore, are rejected under the same rational.

As per claims 24, 26 and 29, the claims contain features addressed in the above claims, and therefore, are rejected under the same rational. Further, Van Horne et al. disclose a computer readable code means or billing the user for the provision of digitized packets video (e.g. a mean to display the content on the computer screen) (600) or audio content via a wireless network.

As per claims 33-35, Van Horne et al. disclose a user device type (user's terminal) in dictating the content provided to the user terminal (i.e. user's requested information).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 13-17, 22 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Horne et al. in view of Roy, III et al. (U.S. Patent No. 5,642,353).

As per claims 13-17, and 22 Van Horne et al. have all the features of the invention (as mentioned in the above paragraphs) but fail to mention a wireless path is a directional path, SDMA. Roy, III et al. teach a wireless path is a directional path, SDMA (abstract) (see Figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Van Horne et al. and combine with Roy, III et al. to have a wireless communication path of which is a directional path, SDMA so that it can improve the capacity and quality of wireless communication between the users and base station.

As per claims 30-32, Van Horne et al. have all the features of the invention but fail to teach a network path has a data transmission rate of at least one MBps. The rate of transmission depends on the Service Providers and the transmission medium. Therefore, it would have been obvious to one skilled artisan in the art to choose a Service Provider that can provide the service at the rate of at least one Mbps because at this rate everything i.e. voice and data will move at a high speed.

Response to Arguments

2. Applicant's arguments filed April 15, 2003 have been fully considered but they are not persuasive.

Applicant indicated that Van Horne et al. do not explicitly mention "a content subscription". Van Horne et al. teach a computer system and methods for remotely connecting to electronic communication networks by providing a system for connecting a plurality of client systems to a server system via access ports and associated communications linkages and providing electronic communications network (i.e. high speed Internet access, see Fig. 10) for the client systems through the server system (col. 4, lines 35-44). The high speed Internet access allows user to access contents residing on the Internet i.e. juno.com and etc. Therefore, it is obvious that Van Horne et al. disclose a content description. Van Horne et al. further teach connections for client systems to an electronic communications network can be metered, allowing billing based on system use (col. 4, line 65-col. 5, line 1); therefore, Van Horne et al. teach a mean to bill users for actual content and/or usage provided to the users. Van Horne et al. also disclose multiple means of billing users or the content usage e.g. smart card, credit card, electronic checking and etc. Applicant indicated that Van Horne et al. never mentions anything about the type of user terminal being recorded, only billing information related to the user such as credit card number and room number, etc. The Examiner disagreed. Van Horne et al. further teach connections for client systems to an electronic communications network can be metered, allowing billing based on system

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use (as mentioned above); therefore, it is obvious that Van Horne et al. teach the type of user terminal being recorded and billed base on usage.

Van Horne et al. disclose a computer system comprising a computer network path (see Figures 1-4B), and at least a portion of the path is wireless (col. 6, line 39) (col. 8, lines 32-37) but fails to mention a wireless path is a directional path, SDMA (Space Division Multiple Access). Roy, III et al. teach a wireless path is a directional path, SDMA (abstract) (see Figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Van Horne et al. and combine with Roy, III et al. to have a wireless communication path of which is a directional path, SDMA so that it can improve the capacity and quality of wireless communication between the users and base station.

Applicant's arguments have been addressed in the above paragraphs.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063.

The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

T.B.
July 1, 2003


JEFFREY PWU
PRIMARY EXAMINER